IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 24322 OF 2000

Dated : November 12, 2007

Between:

N.Dasaratha Rami Reddy

Petitioner

AND

The Central Administrative Tribunal,
Hyderabad Bench,
Rep. By its Registrar, HACA Bhavan,
Hyderabad and others

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 24322 OF 2000

ORAL ORDER: **(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)**

Assailing the order dated 16.11.2000 passed in O.A. No. 1633 of 2000 by the Central Administrative Tribunal, Hyderabad Bench, as contrary to the Regulation 5 of the I.A.S.(Appointment by Promotion) Regulations, 1955 and violative of Article 14 and 16 of the Constitution of India and to consequently direct the respondents to confer I.A.S. on the petitioner, the petitioner seeks writ of mandamus.

The petitioner herein filed the above O.A. contending that though he had put in 12 years of service in the cadre of Deputy Director of Social Welfare, which is equivalent to the Deputy Collector, the respondents have not conferred I.A.S. on him in terms of the I.A.S. (Appointment by Promotion) Regulation, 1955.

The facts, in brief, are that the petitioner was appointed as District Social Welfare Officer, Group I Services of the State Government on 12.5.1980 and, subsequently, he was promoted as Deputy Director of Social Welfare in 1987. In March, 1999, he was promoted as Joint Director. The petitioner contends that though he fulfils the requirements mandated under Regulation 5 of the I.A.S. (Appointment by Promotion) Regulations, 1955, he was not conferred I.A.S. It is further contended that though two Joint Directors of Social Welfare Department were sponsored to the Selection Committee constituted under I.A.S. (Appointment by Promotion) Regulations,

1955, the respondents did not choose to sponsor his name for conferring I.A.S., which is illegal and arbitrary.

Earlier the petitioner also filed OA No. 943 of 2000, which was disposed of on 13.7.2000 observing that since the petitioner had not made out any case that his juniors were conferred I.A.S., he was directed to submit a representation to the Authorities. Aggrieved thereby, the petitioner filed W.P. No. 13763 of 2000 before this court and this Court also directed the petitioner to submit representation. Accordingly, though the petitioner submitted representation on 1.9.2000, well in advance of the interview held on 17.10.2000 for conferring I.A.S., yet he was not considered. Aggrieved thereby, the petitioner filed the above O.A.

The Tribunal having heard both the sides, disposed of the O.A. observing that it is not known whether the petitioner had been superseded or any of his juniors have been conferred I.A.S. The Tribunal, without going into merits, directed the respondents to dispose of the representation within a period of two months from the date of receipt of the order.

Aggrieved thereby, the petitioner preferred the present writ petition inter alia raising several grounds contending that the Social Welfare Department is not sending the candidates for conferring I.A.S. since three years despite the fact that there are eligible officers, which

has resulted in injustice to the petitioner and, therefore, the Tribunal ought to have decided the O.A. on merits.

Counter affidavits have been filed by the respondents 3 to 6, wherein it is specifically stated that since the petitioner is junior to other Officers holding the post of Additional Director, which is higher than the Joint Director of Social Welfare, his name was not recommended by the 6th respondent. It is also stated that in compliance of the orders of the Tribunal, the 5th respondent has disposed of the representation submitted by the petitioner within the stipulated time.

In view of the fact that the representation submitted by the petitioner, pursuant to the direction given by the Tribunal, is disposed of and final orders came to be passed by the respondents, nothing survives in the writ petition for adjudication. However, in view of the facts and circumstances, liberty is granted to the petitioner to avail the remedies that are open to him under law. With the above direction the writ petition is disposed of. No order as to costs.

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T.MEENA KUMARI, J.

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G.CHANDRAIAH, J.

November 12, 2007
MAS